

CITY OF



San Rafael

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November 9, 2004

Cher Daniels
Supervising Environmental Planner
California Department of Corrections
Facilities Management Division
P.O. Box 942883
Sacramento, CA 94283-0001

**Re: Draft EIR for the San Quentin State Prison Condemned Inmate
Complex, Marin County**

Dear Ms. Daniels:

Thank you for the opportunity to review and comment on the Draft EIR for the San Quentin prison expansion referenced above. The City of San Rafael has particular concerns regarding the traffic analysis. We find that the analysis uses outdated methodology, an incorrect intersection configuration, and completely ignores impacts on the freeways. We are also concerned with the housing analysis, which dismisses the effects of increased employment on the local housing market.

In our review, the following have been identified as inadequacies in the Draft EIR:

<u>Page</u>	<u>Comment</u>
4.10-8	<p>The suggestion that the addition of employees creating a demand for an additional 648 housing units plus the loss of 57 existing on-site staff residences is an insignificant impact on the local housing market in Marin or in adjacent counties is disingenuous. Although many new employees will have to live outside of Marin County due to the limited supply of affordable housing units, the increase in employees needing affordable housing will increase the demands on the local housing market.</p> <p>The result of these job increases in Marin County will be an increase in required housing production through upcoming Regional Housing Needs Determinations from the Association</p>

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of Bay Area Governments. The effect on local housing needs numbers should be identified or estimated. If local jurisdictions will experience an increase in required market rate and affordable housing units, the project should provide financial or regulatory assistance to assist the local jurisdictions in complying with State Housing Element law.

The loss of 57 employee housing units, which will increase commuting, should be reflected in the traffic generation numbers.

- 4.12-9
Table 4.12-1 The signalized intersection level-of-service criteria used is obsolete. The most recent signalized intersection methodology is the Highway Capacity Manual. Since the HCM 2000 methodology was used for analysis of unsignalized intersections, a similar methodology should be used for signalized intersections as well.
- 4.12-10
Exhibit 4.12-4 The current land configuration for the eastbound 580 ramps and Main Street (Intersection 7) has been changed. The Exhibit is no longer accurate. All related calculations and exhibits should be corrected.
- 4.12-11
Table 4.12-3 Intersection 6 is shown at LOS F. The City's traffic model indicates LOS C for the AM peak and LOS A for the PM peak. Certain intersection movements do operate at LOS F, but not the overall intersection function. As a result, all subsequent LOS calculations for this intersection do not correspond with the City's General Plan 2020 traffic model results.
- Intersections with delay greater than 50 seconds should show actual intersection delay.
- 4.12-15, -22,
-23 and -24 Intersections 7 and 8 are indicated as being within the City of San Rafael. These intersections are not within the City's right-of-way and are not operated or maintained by the City.
- Intersections with delay greater than 50 seconds, specifically Andersen Drive at Sir Francis Drake Boulevard, should show actual intersection delay.
- 4.12-21 It is unclear how 648 additional employees, visitors and displaced on-site employee residents will generate only 32 AM peak hour trips and 31 PM peak hour trips.
- 4.12-27 Impact 4.12-a indicates that signalization of the intersection of eastbound 580 ramps and Main Street is necessary due to project impacts. The low project volume calculated for AM and

	<p>PM peak hours do not justify this improvement. If signalization of this intersection is warranted, signalization of the intersection of the westbound 580 ramp and Main Street should also be considered, due to the close proximity of the two intersections.</p> <p>The mitigation measure indicates that the CDC will contribute its fair share contribution to the costs of signalization. As noted above, the City does not control this intersection and does not have a signalization plan. If such mitigation is necessary, it should be fully funded by the project.</p>
5-3 Table 5-1	<p>The listing of pending development projects is not accurate. For example, one-third of the San Rafael Corporate Center office buildings have been built, the remainder is approved. The MMWD Desalination Plant is not a current application. 2350 Kerner is not under construction - a 32,500 square-foot City corporation yard/office building has been constructed and occupied; 116,000 square feet of offices have been approved but not constructed.</p>
5-17	<p>As noted above, the City's traffic model results for the Main Street/580 ramp intersection do not suggest that mitigation is necessary. Our traffic model results indicate current LOS, without the San Quentin expansion, as A for the eastbound ramps and C for the westbound ramps in the AM peak period, and LOS D and C, respectively, in the PM peak.</p>
5-17	<p>The DEIR suggests that the Andersen Drive/Sir Francis Drake intersection will be signalized in the long-term, thereby operating at acceptable levels of service. It is suggested that the project therefore will not contribute to a cumulative impact. This is incorrect. The project will contribute to the need to signalize this intersection in the future and should therefore contribute its fair share to the costs of this mitigation measure.</p>
5-19 Exhibit 5-2	<p>The traffic volumes indicated in the exhibit do not correspond with data provided by the City to the traffic consultants.</p>
N/A	<p>Incredibly, the DEIR does not analyze project impacts on the two freeways which are in close proximity to the facility, considering only the impacts at the intersection of the freeway ramps and local streets. A freeway analysis must be done in accordance with the policies of the Marin Transportation Management Agency, particularly given the assumptions that</p>

all new and displaced on-site resident employees will be seeking housing outside of Marin County and utilizing freeways for site access.

In summary, the DEIR for the proposed Condemned Inmate Complex at San Quentin State Prison is inadequate in terms of its traffic and housing analyses.

Sincerely,



Robert Brown, AICP
Community Development Director

cc: City Council
City Manager
Traffic Engineer

Letter 10

City of San Rafael

Robert Brown

November 9, 2004

10-1 These comments are prefatory to subsequent comments in the letter. Please refer to responses to comments 10-2 through 10-16.

10-2 The comment states that the Draft EIR's suggestion that demand for additional housing by employees is an insignificant impact is disingenuous. The comment also states the loss of 57 housing units on-site should be reflected in the traffic generation numbers.

Regarding the Draft EIR's conclusion for housing impacts, please refer to responses to comments 9-24, 9-48, and 9-50. It is agreed that housing in Marin County is high priced and probably not affordable to CDC employees. However, it is not supportable to suggest that the project will lead to secondary environmental impacts from construction of new homes in light of the information in Section 4.10 of the Draft EIR, as further explained in response to comment 9-50. Regarding the discussion of traffic impacts associated with the loss of 57 housing units on-site (under the single-level design option only), please refer to response to comment 9-48. Please also refer to Master Response 3.

10-3 The comment states that the signalized intersection level-of-service (LOS) criteria used is obsolete. The comment also states that because the Highway Capacity Manual (HCM) 2000 methodology was used for analysis of unsignalized intersections, similar methodology should be used for signalized intersections.

As described on page 4.12-11 of the Draft EIR, the traffic LOS for signalized intersections was calculated using methodology presented in the 1994 HCM and using established methodology provided by the City of Larkspur.

In preparation of the transportation analysis for the Draft EIR, the traffic engineers considered LOS standards and modeling methodology for the Congestion Management Program (CMP) network in Marin County (Marin CMP 2004). The Marin County CMP (2004) states that intersections are required to be analyzed by one of the following methodologies:

- Transportation Research Board Circular 212, Interim Materials on Highway Capacity, 1980;
- Transportation Research Board, Highway Capacity Manual, 2000; or
- A uniform methodology adopted by the Congestion Management Agency (CMA) that is consistent with the Highway Capacity Manual. The CMA is to decide which LOS methodology to adopt.

The 2000 HCM methodology is an updated modeling methodology from the 1994 HCM methodology. In general, because of the increased congestion within the region, the 2000 HCM methodology is less conservative in the way it determines LOS impacts. For example, when using the 1994 HCM it would take less vehicle trips to result in a LOS change than it would using the 2000 HCM. Consequently, the 1994 HCM is more conservative in its approach to modeling traffic impacts.

To be consistent with prior transportation analyses prepared for projects in the City of Larkspur (where the analyzed signalized intersections are located) and at the direction of the City, the traffic LOS for unsignalized intersections was calculated using the 2000 HCM, and LOS for signalized intersections was calculated using 1994 HCM. Use of the 1994 HCM methodology is appropriate because, as stated above, it is a more conservative methodology, would provide a worst-case analysis of the project's traffic impacts, and is consistent with previous modeling methodologies used by the agency responsible for the intersections of concern.

To demonstrate that the methodology used in the Draft EIR is appropriate, the 2000 HCM methodology was used to determine the project's LOS impacts at signalized intersections for each traffic scenario evaluated in the Draft EIR. The results of this effort are presented along side the 1994 HCM results (also presented in the Draft EIR) in Tables 1–5 (below). As can be seen in the tables, the project (under either modeling methodology) would not cause any of the signalized study intersections to operate unacceptably.

Table 1 Intersection Capacity Analysis – Existing Scenario										
#	Intersection	HCM METHOD	WEEKDAY						WEEKEND	
			A.M. PEAK		MIDDAY		P.M.		MIDDAY	
			AVG. DELAY ¹	LOS ²	AVG. DELAY ¹	LOS ²	AVG. DELAY ¹	LOS ²	AVG. DELAY ¹	LOS ²
1	U.S. 101 SB off-ramp & Sir Francis Drake Blvd	1994	12.7	B	5.6	B	6.4	B	4.5	A
		2000	19.1	B-	9.9	A	11.1	B+	7.9	A
2	U.S. 101 NB on/off-ramp & Sir Francis Drake Blvd	1994	15.2	C	16.5	C	20.3	C	15.9	C
		2000	24.0	C	25.9	C	31.4	C	24.8	C
3	Larkspur Landing Cr (W) & Sir Francis Drake Blvd	1994	12.9	B	14.5	B	19.0	C	13.3	B
		2000	20.3	C+	22.7	C+	29.8	C	21.1	C+
4	Larkspur Landing Cr (E) & Sir Francis Drake Blvd	1994	5.8	B	5.7	B	5.8	B	6.5	B
		2000	9.5	A	9.4	A	9.5	A	10.7	B+
5	San Quentin west gate & Sir Francis Drake Blvd (Unsignalized ³)	2000	142.1	F	157.7	F	293.6	F	260.4	F
6	Andersen Drive & Sir Francis Drake Blvd (Unsignalized ³)	2000	144.7	F	211.1	F	1270.9	F	178.2	F
7	Main Street & I-580 EB on/off-ramp (Four-Way Stop)	2000	11.0	B	15.2	C	12.4	B	9.8	A
8	Main Street & I-580 WB off-ramp (Four-Way Stop)	2000	11.8	B	12.5	B	9.8	A	9.4	A
Notes: Intersections 1-4 are signalized; Intersections 5-8 are unsignalized. ¹ Avg. Delay: Average Delay in seconds per vehicle. ² LOS: Level of Service ³ Delay is based on "Approach Delay" in seconds per vehicle.										

Table 2 Intersection Capacity Analysis – Background Scenario										
#	Intersection	HCM METHOD	WEEKDAY						WEEKEND	
			A.M. PEAK		MIDDAY		P.M.		MIDDAY	
			AVG. DELAY ¹	LOS ²	AVG. DELAY ¹	LOS ²	AVG. DELAY ¹	LOS ²	AVG. DELAY ¹	LOS ²
1	U.S. 101 SB off-ramp & Sir Francis Drake Blvd	1994	12.8	B	5.7	B	6.9	B	4.2	A
		2000	19.3	B-	10.0	A	11.9	B+	7.4	A
2	U.S. 101 NB on/off-ramp & Sir Francis Drake Blvd	1994	15.3	C	16.8	C	20.6	C	16.2	C
		2000	24.0	C	26.3	C	31.7	C	25.2	C
3	Larkspur Landing Cr (W) & Sir Francis Drake Blvd	1994	13.0	B	14.6	B	19.3	C	13.5	B
		2000	20.4	C+	23.0	C+	30.2	C	21.4	C+
4	Larkspur Landing Cr (E) & Sir Francis Drake Blvd	1994	8.2	B	5.8	B	8.3	B	6.7	B
		2000	13.4	B	9.2	A	13.5	B	10.9	B+
5	<i>San Quentin west gate & Sir Francis Drake Blvd (Unsignalized³)</i>	2000	149.1	F	166.3	F	311.8	F	275.8	F
6	<i>Andersen Drive & Sir Francis Drake Blvd (Unsignalized³)</i>	2000	156.0	F	246.1	F	1479.9	F	209.6	F
7	<i>Main Street & I-580 EB on/off-ramp (Four-Way Stop)</i>	2000	14.8	B	18.7	C	15.1	C	10.4	B
8	<i>Main Street & I-580 WB off-ramp (Four-Way Stop)</i>	2000	16.3	C	14.5	B	10.6	B	10.0	A
Notes: Intersections 1–4 are signalized; Intersections 5–8 are unsignalized. ¹ Avg. Delay: Average Delay in seconds per vehicle. ² LOS: Level of Service ³ Delay is based on “Approach Delay” in seconds per vehicle.										

Table 3 Intersection Capacity Analysis – Project Scenario										
#	Intersection	HCM METHOD	WEEKDAY						WEEKEND	
			A.M. PEAK		MIDDAY		P.M.		MIDDAY	
			AVG. DELAY ¹	LOS ²	AVG. DELAY ¹	LOS ²	AVG. DELAY ¹	LOS ²	AVG. DELAY ¹	LOS ²
1	U.S. 101 SB off-ramp & Sir Francis Drake Blvd	1994	12.8	B	5.7	B	6.8	B	4.2	A
		2000	19.3	B-	10.0	A	11.8	B+	7.4	A
2	U.S. 101 NB on/off-ramp & Sir Francis Drake Blvd	1994	15.3	C	16.8	C	20.6	C	16.2	C
		2000	24.0	C	26.4	C	31.7	C	25.2	C
3	Larkspur Landing Cr (W) & Sir Francis Drake Blvd	1994	13.0	B	14.6	B	19.3	C	13.5	B
		2000	20.4	C+	23.0	C+	30.2	C	21.4	C+
4	Larkspur Landing Cr (E) & Sir Francis Drake Blvd	1994	8.2	B	5.8	B	8.3	B	6.7	B
		2000	13.4	B	9.2	A	13.5	B	10.9	B+
5	<i>San Quentin west gate & Sir Francis Drake Blvd (Unsignalized³)</i>	2000	149.6	F	169.0	F	312.5	F	279.7	F

Table 3 Intersection Capacity Analysis – Project Scenario										
#	Intersection	HCM METHOD	WEEKDAY						WEEKEND	
			A.M. PEAK		MIDDAY		P.M.		MIDDAY	
			AVG. DELAY ¹	LOS ²	AVG. DELAY ¹	LOS ²	AVG. DELAY ¹	LOS ²	AVG. DELAY ¹	LOS ²
6	Andersen Drive & Sir Francis Drake Blvd (Unsignalized ³)	2000	156.8	F	250.3	F	1483.7	F	212.7	F
7	Main Street & I-580 EB on/off-ramp (Four-Way Stop)	2000	15.1	C	39.2	E	15.4	C	11.7	B
8	Main Street & I-580 WB off-ramp (Four-Way Stop)	2000	17.1	C	16.2	C	10.8	B	10.5	B
Notes: Intersections 1–4 are signalized; Intersections 5–8 are unsignalized. ¹ Avg. Delay: Average Delay in seconds per vehicle. ² LOS: Level of Service ³ Delay is based on “Approach Delay” in seconds per vehicle.										

Table 4 Intersection Capacity Analysis – Cumulative (No Project) Scenario										
#	Intersection	HCM METHOD	WEEKDAY						WEEKEND	
			A.M. PEAK		MIDDAY		P.M.		MIDDAY	
			AVG. DELAY ¹	LOS ²	AVG. DELAY ¹	LOS ²	AVG. DELAY ¹	LOS ²	AVG. DELAY ¹	LOS ²
1	U.S. 101 SB off-ramp & Sir Francis Drake Blvd	1994	13.2	B	6.0	B	11.9	B	4.6	A
		2000	19.8	B-	10.5	B+	19.7	B-	7.9	A
2	U.S. 101 NB on/off-ramp & Sir Francis Drake Blvd	1994	17.6	C	19.0	C	18.8	C	18.0	C
		2000	27.6	C	29.7	C	28.3	C	27.9	C
3	Larkspur Landing Cr (W) & Sir Francis Drake Blvd	1994	13.7	B	12.8	B	22.3	C	11.3	B
		2000	30.0	C	19.9	B-	32.2	C-	17.2	B
4	Larkspur Landing Cr (E) & Sir Francis Drake Blvd	1994	8.0	B	6.9	B	9.8	B	9.4	B
		2000	12.8	B	11.2	B+	15.6	B	15.0	B
5	San Quentin west gate & Sir Francis Drake Blvd (Unsignalized)	2000	1495.3	F	1624.2	F	2228.7	F	2987.2	F
6	Andersen Drive & Sir Francis Drake Blvd	2000	16.2	C	8.7	B	13.4	B	9.0	B
7	Main Street & I-580 EB on/off-ramp (Four-Way Stop)	2000	9.9	A	133.4	F	107.4	F	21.9	C
8	Main Street & I-580 WB off-ramp (Four-Way Stop)	2000	33.1	D	178.9	F	43.5	E	40.4	E
Notes: Intersections 1–4 are signalized; Intersections 5, 7, and 8 are unsignalized. ¹ Avg. Delay: Average Delay in seconds per vehicle. ² LOS: Level of Service ³ Delay is based on “Approach Delay” in seconds per vehicle.										

Table 5
Intersection Capacity Analysis – Cumulative (With Project) Scenario

#	Intersection	HCM METHOD	WEEKDAY						WEEKEND	
			A.M. PEAK		MIDDAY		P.M.		MIDDAY	
			AVG. DELAY ¹	LOS ²	AVG. DELAY ¹	LOS ²	AVG. DELAY ¹	LOS ²	AVG. DELAY ¹	LOS ²
1	U.S. 101 SB off-ramp & Sir Francis Drake Blvd	1994	9.7	B	6.0	B	11.9	B	4.6	A
		2000	16.4	B	10.5	B+	19.7	B-	7.9	A
2	U.S. 101 NB on/off-ramp & Sir Francis Drake Blvd	1994	15.0	C	19.0	C	18.8	C	18.0	C
		2000	23.5	C	29.8	C	28.3	C	27.9	C
3	Larkspur Landing Cr (W) & Sir Francis Drake Blvd	1994	13.2	B	12.8	B	22.3	C	11.3	B
		2000	20.9	C+	19.9	B-	32.2	C-	17.2	B
4	Larkspur Landing Cr (E) & Sir Francis Drake Blvd	1994	7.3	B	6.9	B	9.8	B	9.5	B
		2000	11.5	B+	11.2	B+	15.6	B	15.0	B
5	San Quentin west gate & Sir Francis Drake Blvd (Unsignalized ³)	2000	1501.0	F	1644.1	F	2232.6	F	3018.7	F
6	Andersen Drive & Sir Francis Drake Blvd	2000	16.2	C	8.6	B	13.5	B	9.0	B
7	Main Street & I-580 EB on/off-ramp (Four-Way Stop)	2000	10.1	B	198.8	F	111.7	F	34.6	D
8	Main Street & I-580 WB off-ramp (Four-Way Stop)	2000	37.5	E	197.8	F	47.5	E	48.9	E
Notes: Intersections 1–4 are signalized; Intersections 5, 7, and 8 are unsignalized. ¹ Avg. Delay: Average Delay in seconds per vehicle. ² LOS: Level of Service ³ Delay is based on “Approach Delay” in seconds per vehicle.										

10-4 The comment states that the lane configuration for the eastbound I-580 on/off-ramps and Main Street have changed and the related exhibit (Exhibit 4.12-4) and calculations should be corrected; however, the comment does not state how the lane configurations have changed. Follow-up conversations with City of San Rafael staff indicate that the through movement of the I-580 eastbound off-ramp has been closed down as a result of construction on the Richmond–San Rafael Bridge. However, because of low traffic volumes as a result of the project, changes in the modeling assumptions would not be necessary because results would be insubstantial and less than significant (Mansourian, pers. comm., 2005). The geometry of the study area intersections were based on field observations of these intersections performed in March 2004. Because the comment does not indicate how the intersection has changed, no further response can be provided.

10-5 The comment states that the overall intersection function for Intersection 6 and related LOS calculations do not correspond with the City’s General Plan 2020 traffic model results. The comment explains that the City’s traffic model indicates LOS C for the a.m. peak and LOS A for the p.m. peak. The traffic analysis presented in Section 4.12 of the Draft EIR was based on existing intersection traffic volumes for study area intersections provided by the City of San Rafael and the City of Larkspur. Using these volumes and applying the methodology described on page 4.12-11 of the Draft EIR (which is consistent with County and Cities of Larkspur and San Rafael methodology), the results indicated that the intersection of Anderson Drive/Sir Francis

Drake Boulevard would operate at LOS F, which is consistent with the results for the Larkspur Landing Circle Traffic Analysis (City of Larkspur 2003). Although there may be variations in the LOS values presented in the Draft EIR compared to the City of San Rafael's General Plan modeling results because of slight modeling variations, the City acknowledges that this intersection operates unacceptably at certain periods and CDC agrees and has acknowledged this condition in the Draft EIR.

The City of San Rafael has planned for the signalization of this intersection and it is expected to be implemented within 5 to 7 years. With signalization, this intersection would operate acceptably with or without the project.

- 10-6** The comment states that intersections with delay greater than 50 seconds should show actual intersection delay. Average intersection delays for study area intersections are shown in Tables 1–4 presented in response to comment 10-3. This data does not affect the conclusions in the Draft EIR.
- 10-7** The comment states that Intersections 7 and 8 are not within the City's right-of-way and are not maintained by the City. This comment is acknowledged. The project's traffic impacts to intersections 7 (Main Street/ I-580 eastbound on/off-ramp) and 8 (Main Street/I-580 westbound off-ramp) were evaluated according to Marin County Congestion Management Program methodology. It should be noted that all references to the City of San Rafael's jurisdiction over intersections 7 and 8 are hereby removed from the EIR. This change does not alter the conclusions of the Draft EIR. This change is also reflected in Chapter 4, Corrections and Revisions to the Draft EIR.
- 10-8** The comment states that intersections with delay greater than 50 seconds, specifically Sir Francis Drake Boulevard/Anderson Drive, should show actual intersection delay. Average intersection delays for study area intersections are shown in Tables 1–4 presented in response to comment 10-3. This data does not affect the conclusions in the Draft EIR.
- 10-9** The comment states that it is unclear how 648 additional employees, visitors, and displaced on-site employee residents would generate only 32 a.m. peak hour trips and 31 p.m. peak hour trips. Reliance on the 648 employment number may be misleading. As shown in Table 3-2 of the Draft EIR, the total number of new CIC employees working any one day, at maximum capacity, would be 452. Furthermore, the scheduled shift times further divide this number so that few employees would arrive/depart the site during peak hours. Finally, CDC has flexible schedules for its administrative staff, and several staff use the flexibility to avoid peak hours. Trip generation for the project was based on a 24-hour traffic count conducted at the main gate entrance in March 2004. The traffic counts were taken on a general visitation day to best represent reasonably foreseeable worst-case traffic patterns at SQSP. Trip generation rates and in/out percentages were determined from the 24-hour traffic count. Please refer to Section 5.3 of the *CDC San Quentin State Prison EIR Traffic Study* included in Appendix G of the Draft EIR for additional details. As noted in section 1.5 and Master Response 3 in this document, the traffic analysis did not include potential additional staffing as a result of operating existing SQSP at maximum capacity. This has been made moot by the conversion of H-Unit and its resultant reduction in staff below existing levels at SQSP, operating at maximum capacity. Also, please see response to comment 9-48.
- 10-10** The comment states that the low project volume calculated for a.m. and p.m. peak hours at the Main Street/I-580 eastbound on/off-ramps intersection do not justify signalization recommended in Mitigation Measure 4.12-a; however, no information on what justifies signalization has been provided. The comment also states that if signalization is warranted, then signalization of the Main Street/ I-580 westbound on/off-ramp should also be considered.

As described on page 4.12-25 of the Draft EIR, the project would result in the deterioration of intersection operations for the Main Street/I-580 eastbound on/off-ramp from LOS C to LOS E during the midday peak hour. The project would cause this intersection to operate unacceptably and therefore this impact would be significant and mitigation (i.e., signalization) is required. Mitigation recommended for the project would require CDC to fully fund the installation of a signal at this intersection (see response to comment 10-11 below).

Regarding consideration for signalization of the Main Street/I-580 westbound on/off-ramp intersection, the project would not cause this intersection to operate unacceptably; therefore, the project's impact to this intersection would be less than significant and no mitigation would be required. Furthermore, the proposed signal would include sensors to regulate the flow of vehicles on the ramp to prevent the backup of vehicles and ensure the safe operation of the intersection.

- 10-11** The comment states that the City of San Rafael does not control the Main Street/I-580 eastbound on/off-ramps intersection and does not have a signalization plan. The comment suggests that the costs for signalization be fully funded by the project. This comment is acknowledged. For those intersections that do not fall under the jurisdiction of a local agency (e.g., City of Larkspur or City of San Rafael), the intersection/roadway would fall to the jurisdiction of Marin County or Caltrans. Main Street is a county-owned and operated roadway and would be subject to the County's jurisdiction. The on/off-ramps to I-580 at Main Street are owned and maintained by Caltrans. No improvements to this intersection are planned as part of a transportation improvement program by Marin County or Caltrans, and there are no other programs collecting funds to improve this intersection. In addition to project traffic, existing SQSP traffic also uses this intersection, and the combination of existing SQSP and project traffic is projected at approximately 60% of total trips through the intersection. Given this high proportion of CDC-related traffic, CDC has determined it would be appropriate to fully fund the cost of the signalization at the Main Street/I-580 eastbound on/off-ramps intersection. As a result, Mitigation Measure 4.12-a has been revised as described below and in Section 4, "Corrections and Revisions to the Draft EIR," of this document. This revision does not alter the conclusions presented in the Draft EIR.

Page 4.12-27, Mitigation Measure 4.12-a is hereby revised as follows:

To achieve acceptable LOS under the project conditions at the Main Street/I-580 eastbound on/off-ramps intersection, implementation of the following mitigation measure would reduce this impact to a less-than-significant level:

- Because the majority of trips through this intersection are related to SQSP, CDC will contribute its fair share contribution to fully fund the installation of a new traffic signal at the Main Street/I-580 eastbound on/off-ramps intersection. Implementation of this measure would allow this intersection to operate at an acceptable LOS under the weekday a.m., weekday midday, weekday p.m., and weekend midday peak hours. Currently, the City of San Rafael has no improvements planned for this intersection as part of its transportation improvement program. However, the City is in the process of establishing a traffic fee mitigation program that would collect monies that would fund transportation improvements to roadways within their jurisdiction. CDC will coordinate with Caltrans and Marin County regarding the design, siting and installation of this traffic signal. CDC will make all reasonable attempts to install this traffic signal before peak construction of the CIC, but because this intersection will not be substantially used during construction (west gate is the primary access), it is not essential until the CIC is operational and SQSP employment increases above current levels. It is expected that Caltrans will enter into a cost sharing long-term maintenance agreement with the County for the maintenance of

~~this signal, at no additional cost to CDC (Nutt, pers. comm., 2005), the City of San Rafael to determine the project's fair share contribution to the funding of the installation of a traffic signal at the Main Street/I-580 eastbound on/off ramps intersection.~~

- 10-12** The comment appears to reference the existing project status of several projects within their jurisdiction. The information presented in Table 5-1 was based on available information from PropDev – 38 (Marin County), and conversations with staff from the City of Larkspur and City of San Rafael. PropDev is a series of surveys of proposed development projects in Marin County (including cities). The survey provides information on all projects that include at least five residential units or 5,000 square feet of commercial, industrial, or institutional space. The information in PropDev is obtained from County planning staff and planning departments in Marin cities and towns through a survey conducted twice a year.

The information presented in Table 5-1 was the best information available at the time the Draft EIR was prepared. Regarding corrections to the project status for the San Rafael Corporate Center and 2320 Kerner, these changes have been reflected in Table 5-1, which is included in Section 4, “Corrections and Revisions to the Draft EIR,” of this document. Although the comment states that the Marin Municipal Water District Desalination Plant is not a current application, staff of MMWD are currently preparing an EIR for a desalination plant and, therefore this is a project that should be considered in the cumulative analysis (McGuire, pers. comm., 2004). Regarding the 2320 Kerner project, Table 5-1 has been updated to reflect this change.

- 10-13** The comment states that the City’s traffic model results for the Main Street/I-580 ramp intersection do not suggest mitigation is necessary. Please refer to response to comment 10-10 above.
- 10-14** The comment states that the Draft EIR’s conclusion regarding cumulative impacts to Andersen Drive/Sir Francis Drake intersection is incorrect. The comment states that the project would contribute to the need to signalize this intersection in the future and should contribute its fair share to the costs of this mitigation measure. The intersection of Andersen Drive/Sir Francis Drake Boulevard currently operates at LOS F, which is unacceptable based on City of San Rafael standards (see response to comment 10-5 above). Roadway improvements (e.g., signalization) are currently required and are planned in the City of San Rafael’s General Plan to improve this intersection’s operation, regardless of whether the CIC project is constructed. The project would contribute a maximum of seven trips to this intersection during the midday peak hour, which is not a considerable contribution of traffic (i.e., less than 30%). The City plans to implement these improvements within 5 to 7 years. Once implemented, the proposed improvements are expected to allow the Andersen Drive/Sir Francis Drake Boulevard intersection to operate at an acceptable level (i.e., better than LOS C). Because improvements have been identified, a funding mechanism is in place to improve this intersection regardless of whether the project is approved, and the project would not result in a considerable contribution of traffic, the project’s cumulative contribution to traffic impacts at this intersection (with improvements) would not cause this intersection to degrade to an unacceptable level and, therefore, no mitigation would be required.
- 10-15** The comment states that the traffic volumes indicated in Exhibit 5-2 do not correspond with data provided by the City of San Rafael to the EIR traffic consultants. The comment is not specific on which traffic volumes are incorrect. Exhibit 5-2 presents cumulative project traffic volumes for the weekday a.m. and p.m. peak hours.

Vehicle turning movement counts for all study intersections presented in Exhibit 5-2 were conducted in March 2004. Counts were conducted during the weekday a.m. period of 5:30–9:00

a.m., the midday period of 1:30–3:30 p.m., (to coincide with the SQSP midday shift change) the p.m. peak hour period of 4:00–6:00 p.m., and during the weekend midday peak period of 1:30–3:30 p.m. These counts were used in the preparation of the transportation analysis.

Existing intersection turning movement volumes provided by the City of San Rafael were not used in the analysis because the counts collected for the project provided more recent data, were higher (i.e., were more conservative), and were done on a visitation day at SQSP.

- 10-16** The comment states that a freeway analysis must be conducted in accordance with the policies of the Marin Transportation Management Agency.

The comment appears to reference standards of Marin County, which are administered by the Congestion Management Agency of the Marin County Department of Transportation. The Management Agency implements the Congestion Management Program (CMP), which prescribes thresholds under which different traffic considerations must be analyzed. The CMP has established a threshold of 100 p.m. peak hour trips for projects to need to conduct a freeway impact analysis. The addition of traffic generated by the project during the p.m. peak hour would not cause a net increase of 100 or more trips and, therefore would not satisfy the minimum criteria for a CMP (i.e., freeway) analysis, and therefore, no analysis is provided. Total p.m. peak hour traffic from the project would be 31 trips. As described in response to comment 9-48, the 57 resident employees that would be displaced under the single-level design option would generate approximately 10 peak hour trips, and these trips would be affected by the overall actual reduction in employment at the existing SQSP at maximum capacity levels.

Additional information regarding regional roadways near the project site is provided below.

Standards of Significance

According to the County of Marin (Marin County 2004), the performance standard of a CMP urban and suburban arterial facility is LOS D and LOS E for freeways and rural expressways, respectively (U.S. 101, Interstate 580, and State Route 37). The following routes are part of the Marin County CMP network and are located adjacent to or within the study area of the project:

State Highways

- Interstate 580 – from U.S. 101 to Contra Costa County line
- U.S. 101 – from San Francisco County Line to Sonoma County line

Principal Arterials

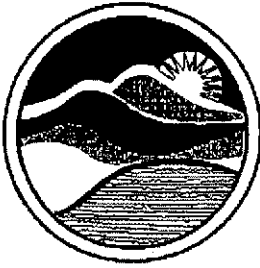
- Sir Francis Drake Boulevard in Larkspur and unincorporated Marin County – from U.S. 101 to Interstate 580

According to the 2003 Marin County CMP (Marin County 2004), three segments currently operate below the LOS standard established in 1991 and are allowed to continue to operate at below the LOS standard (Table 6). In other words, these segments are considered “grandfathered” segments.

Table 7 presents the planned improvements for grandfathered roadway segments, as described in the 2003 Marin County CMP.

Table 6 Grandfathered Roadway Segments within the CMP Roadway Network.				
Segment Type	Location Name	From	To	Grandfathered
Principal Arterial	E. Sir Francis Drake Blvd	I-580	U.S. 101	Yes
Basic Freeway	U.S. 101	Tiburon Blvd	I-580	Yes
Basic Freeway	I-580	U.S. 101	Sir Francis Drake Blvd.	Yes
Basic Freeway	I-580	Sir Francis Drake Blvd	Contra Costa County Line	No
¹ Source: 2003 Marin Congestion Management Program. January 2004.				

Table 7 Planned Improvements for Grandfathered Roadway Segments		
Segment	Peak Direction LOS	Action Needed
I-580, from U.S. 101 to west of Sir Francis Drake Blvd.	F	Grandfathered: No Action
I-580, from west of Sir Francis Drake Boulevard to Contra Costa County line	E	Within LOS Standard: No Action
E. Sir Francis Drake Blvd, from I-580 to U.S. 101	F	Grandfathered: Improvement Plan Needed: Larkspur is proceeding with reconfiguration of the westbound approach at the Northbound ramps as soon as the Marin 101 HOV project is complete.



Town of Corte Madera

300 TAMALPAIS DRIVE AT WILLOW AVENUE
CORTE MADERA, CA 94025-1418

November 10, 2004

Cher Daniels
Supervising Environmental Planner
Department of Corrections
P.O. Box 942883
Sacramento, CA 94283-0001

Dear Ms. Daniels:

This letter transmits the Town of Corte Madera's comments on the DEIR for the San Quentin State Prison Condemned Inmate Complex Project. In addition to the attached comments on specific impacts, the Corte Madera Town Council has the following concerns with the DEIR and the project:

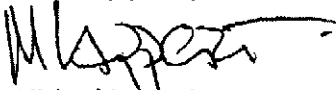
1. *Failure to coordinate.* The Department of Corrections has failed to coordinate this project with the planning efforts of other agencies in the region, especially Marin County and the incorporated towns and cities. The Corte Madera Town Council is particularly concerned that by proceeding with this project at this time, the Department of Corrections is ignoring the current project to update the Countywide General Plan.
2. *Failure to consider siting alternatives.* The Corte Madera Town Council strongly urges the Department of Corrections to acknowledge and comply with the March 2004 findings of the State Auditor. After an exhaustive analysis the Auditor found that the Department of Corrections failed to consider all alternatives, including the possibility of building the new complex at other locations.
3. *Failure to consider costs.* As stewards of scarce taxpayer resources, the Corte Madera Town Council is particularly concerned that the Department of Corrections analysis has not considered all of the relevant factors, especially annual operating and maintenance costs. We strongly agree with the State Auditor's findings on this point. It is obvious that by investing \$220 million for the Condemned Inmate Facility at San Quentin, CDC has made a creeping commitment to continue to maintain its most antiquated, expansive and cost-ineffective facility in perpetuity.

OWN MANAGER TOWN COUNCIL (415) 927-5050	TOWN CLERK (415) 927-5095	FINANCE BUS. LIO. (415) 927-5055	FIRE DEPARTMENT (415) 927-5077	PLANNING ZONING (415) 927-5064	POLICE DEPARTMENT (415) 927-6150	BUILDING INSPECTOR (415) 927-5062	TOWN ENGINEER PUBLIC WORKS (415) 927-5057	SANITARY DIST. NO. 2 (415) 927-5057	RECREATION DEPARTMENT (415) 927-5072
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4. *Failure to consider financial options:* The DEIR does not explore viable financial options that could support alternatives to the Condemned Inmate Complex and cost-effective replacement of the main prison. The information is readily available from State sources. In 2001, the California's Department of General Services prepared a "Preliminary Analysis of Potential Reuse and Relocation of San Quentin Prison." It estimated that the construction of replacement facilities and relocation of current functions would require a capital outlay of \$605 million to \$695 million plus a one-time support budget cost of \$100 million. It is incumbent on the Department of Corrections to explore the resale value of the prison property, especially in view of Marin County's current efforts to update its General Plan. The Department of Corrections must seriously consider alternatives in its planning and in the EIR.

In conclusion, the Corte Madera Town Council strongly agrees that the DEIR for the Condemned Inmate Complex Project is inadequate as it has failed to recognize and adequately evaluate the comprehensive financial and environmental impacts on Marin County and its towns and cities. It is essential that these issues be addressed. Please include this letter and the attached document in the comments on the DEIR for the Condemned Inmate Complex Project.

Sincerely yours,



Michael Lappert
Mayor

Attachments: DEIR Comments

San Quentin State Prison
Condemned Inmate Complex Project

DEIR Comments

Section 3. Project Description

3.7 Project staffing

Comment: the changes in staffing levels that would result from the project are not clear, which makes it impossible for the reader to evaluate the adequacy of various analyses in the DEIR. For example, the project description states that 648 staff would be required if the new CIC was at maximum capacity. Would these staff be supporting just the CIC, or would some of the 648 staff members be supporting other activities at SQSP? Does "maximum capacity" refer to the theoretical maximum number of inmates at the CIC or the entire SQSP inmate population?

Please provide a chart that addresses the following:

- The total maximum inmate capacity of SQSP today and the total projected staffing to serve this number of inmates at today's budgeted staffing ratios.
 - The total number of inmates at SQSP today and the total number of staff persons working at the prison.
 - The maximum condemned inmate capacity today, and the total projected staffing to serve this number of inmates at today's budgeted staffing ratios.
 - The total number of condemned inmates at SQSP today and the total number of staff persons assigned to manage or otherwise service the condemned inmate population.
 - The maximum SQSP inmate capacity and the total number of staff persons assumed in the project description for this DEIR.
 - The maximum CIC population and CIC staffing assumed in the project description for this DEIR.
-

Section 4. Environmental Setting

4.1 Visual Resources

4.1.1 Existing conditions. This analysis omits an important viewshed that affects thousands of Corte Madera residents: the view of SQSP from higher elevations including the Chapman Hill and Christmas Tree Hill neighborhoods. This is a particular concern because the DEIR acknowledges (second paragraph, pg. 4.1-3) that the project site is visible from hillside areas of the City of Larkspur and the Town of Corte Madera. Please provide additional analysis including visual simulations, to assess the visual impacts of the project on Corte Madera's hillside residents. Please include mitigation measures for these impacts.

Impact 4.1-a. The conclusion that the project site has "[n]o visually significant scenic resources" is incorrect and is not supported by data and analysis in the DEIR. In fact, this conclusion is directly contradicted by evidence in the DEIR. Dairy Hill is a visually significant scenic resource particularly as seen in the Corte Madera viewshed. The existing conditions analysis (pg. 4.1-1) describes the hill as "prominent topography." As the DEIR states on page 4.1-3, "The project site appears to be relatively undeveloped with a few buildings located along the shoreline of the project site. Overall, the project site blends in with and is somewhat dominated by the hillside areas to the north." Dairy Hill is the dominant topographic feature on the project site as seen from the Corte Madera viewshed, and it is the feature that causes the project site to blend with the surrounding hillside areas. This effect causes the area to appear relatively undeveloped from the Corte Madera viewshed. For these reasons, the project site is part of a scenic vista, and Dairy Hill is a visually significant scenic resource. The project proposes to eliminate Dairy Hill and thereby destroy a scenic resource and damage a scenic vista. The finding of a less-than-significant scenic view impact is not supported by analysis in the DEIR.

Impact 4.1-b. The analysis and conclusion that the Single Level Design Option would not substantially affect daytime views from the Corte Madera Viewpoint is incorrect and is contradicted by facts in the DEIR. This design option would remove Dairy Hill, the most prominent feature on the project site. As stated above and in the DEIR, Dairy Hill is a visual link to San Quentin Ridge with the result that the shoreline west of the Old San Quentin cell blocks appears to be largely undeveloped as seen from the Corte Madera

Viewpoint. The Single Level Design Option would change the view to a completely developed shoreline as is documented by Exhibit 4.1-2b. This is further borne out by the analysis of Stacked Design Option which is virtually identical as depicted in Exhibit 4.1-2c, and which the DEIR concludes is a significant impact as seen from the Corte Madera Viewpoint.

Impact 4.1-c. The conclusion that the nighttime light and glare impacts from the Single Level Design Option would be less-than-significant are based on assumptions that have no apparent logic and on faulty visual simulations.

The analysis states, "With implementation of the project ... lighting would be more uniform across the site and of similar intensity as adjacent prison facilities." Exhibit 4.1-3a, which shows existing nighttime conditions, is generally accurate. It shows light reflected hundreds of feet up into the atmosphere above the site as well as reflecting off the ridgeline behind the SQSP and reflecting off the buildings. As shown in the photograph, this light is very bright and glaring, and fills and dominates a major portion of the viewshed. The project description states that the same lighting fixtures will be placed in the project area, spaced at the same intervals as used in the main part of the prison. The project area is currently almost dark. As the DEIR states, the light pattern resulting from the project will be uniform across the entire prison facility and will be the same intensity as shown in Exhibit 4.1-3a. This is a significant change from existing conditions. It will transform the western half of the viewshed from a pleasant natural nighttime view to a glaring industrial gash.

The simulation, Exhibit 4.1-3b, is not credible. There is no reflection in the atmosphere above the project area, nor is there any reflection from the project area against the ridgeline to the north of the project area. The same lighting fixtures at the same spacing produce these effects on the east end of the prison property.

Impact 4.1-f. The accurate analysis and conclusion for this impact disprove the analysis for Impact 4.1-b. A simple visual comparison of Exhibit 4.1-2b and 4.1-2c demonstrates that the visual impacts of the Single Level and Stacked Design Options are essentially identical.

Impact 4.1-o. As with the Single Level Design Option the conclusion that the nighttime light and glare impacts from the Stacked Design Option would be less-than-significant is incorrect,

due to faulty visual simulations. Again, the analysis for this impact states that the lighting in the project area would be "of similar intensity as adjacent prison facilities." This is obviously correct, but is not shown in the simulations, which do not show the atmospheric reflection or the reflection from the hillsides north of the project which are characteristic of the existing conditions. Extending light "of similar intensity as the adjacent prison facilities" to the project area will result in a significant visual impact.

4.5 Cultural Resources

Impact 4.5-c. This analysis for this impact is inadequate. It simply states that the 57 staff residences may or may not be historically significant. The document does not provide the decision makers with sufficient information to determine whether the single level design option will have an impact on historic resources. This is wholly inadequate. The DEIR must be revised to provide an adequate assessment of the impact of the project on historic resources.

4.9 Noise

Impact 4.9-a. This analysis fails to assess the impact of construction noise on Corte Madera, especially the effects of blasting and pile driving. The noise from pile driving for the seismic retro fit project at the Richmond-San Rafael Bridge seriously affected residences on the Corte Madera shoreline. The impact was greater than expected due in part to the fact that the noise traveled over water, as will be the case with the CIC project. CalTrans attempted a variety of mitigation measures that to reduce noise to acceptable levels. Pile driving for the CIC project will be closer to homes on the Corte Madera shoreline than the bridge project, yet there is no mention of the noise impacts on Corte Madera residents. Furthermore, lacking an adequate analysis of construction noise impacts, it is not possible to determine whether the proposed mitigation measures will reduce the noise impact from pile driving to acceptable levels. Please provide an analysis of the noise impact of pile driving on Corte Madera residents along with effective mitigation measures.

4.10 Employment, Population and Housing

Impact 4.10-a. The project will result in 972 permanent and secondary employment opportunities. The DEIR concludes, with no analysis, that the available workforce in the region would provide a

pool of employees without substantial in-migration. Lacking any analysis, beyond citing low unemployment rates, it is highly speculative to conclude that the existing labor pool is adequate, particularly given the specialized qualifications and training required for the hundreds of new correctional officer positions. This position is contradicted by the statement in the analysis for Impact 4.10-b that some of the 648 new employees at the CIC "are projected to be new to the region." The DEIR must be revised to include these projections and an accurate analysis of the employment impacts of adding almost 1000 jobs to the local jobs market.

Impact 4.10-b. The conclusion that project-related population growth would not stimulate new development is not supported by facts or analysis in the DEIR. The assumption that new employees would be dispersed throughout the region similar to existing resident distribution patterns is not supported by any analysis. The assumption is questionable in that it is likely that many SQSP employees could not afford to buy the homes they presently own, as is the case for most Bay Area residents. Furthermore, the analysis provides no information on the 324 secondary positions projected under Impact 4.10-a. However, if the assumptions are accepted, 14% of the 972 new CDC and secondary job holders -- 136 households (estimated population 429 at 3.16 persons per household) -- will live in Marin County. In addition, if the Single Level option is developed, another 57 displaced households (estimated population 180) will be seeking replacement housing, presumably in Marin County where they already reside. While the projected population growth from the project is less than 1% of Solano County's ten year growth projection, it is 50% of one year's population growth for Marin County. This magnitude could not be readily absorbed and would be a significant impact if not mitigated.

Impact 4.10-c This analysis underestimates the increased housing demand that would occur in Marin County as a result of the project. The DEIR does not acknowledge the demand that would be created by the 324 secondary positions that would result from the project. If the household distribution for secondary jobs is the same as for CIC employees, 136 new households along with 57 displaced households (under the Single Level Development option) will require new housing in Marin County. The 193 new homes that would have to be provided simultaneously would be more than the five-year housing allocation assigned by the California Department of Housing and Community Development to several of the smaller communities in this county. The DEIR points out that many of these households will be low or moderate income.

The project will result in the destruction of 57 affordable housing units, and as such is a significant impact. The new households that will attempt to relocate in Marin will severely tax the already overstrained affordable housing stock. To say, as this DEIR does, that there will be no housing impact on local housing because the high cost of housing in Marin will preclude relocation to the County is to simply ignore a significant impact. The DEIR should be revised to more accurately assess the impact of the project on local housing. Mitigation measures should include construction of affordable housing and/or payment of housing in-lieu fees

Letter 11

Town of Corte Madera

Michael Lappert

November 10, 2004

- 11-1** The comment states that CDC has not coordinated with other agencies in the region and is ignoring the efforts to update the Marin Countywide Plan. Regarding coordination with regional agencies, CDC has fully complied with the requirements of CEQA regarding noticing, scoping, and agency coordination (Section 15082 of the State CEQA Guidelines) including publishing of a Notice of Preparation on November 26, 2003, conducting a public scoping session for the Draft EIR on December 18, 2003, and meeting with representatives of local and regional responsible agencies (e.g., Central Marin Sanitation District, Marin Municipal Water District, State of California Bay Conservation and Development Commission, Greenbrae Homeowner's Association). The Draft EIR was submitted to the State of California Governor's Office of Planning and Research, State Clearinghouse and Planning Unit for distribution to responsible state agencies, and CDC provided copies of the Draft EIR to all jurisdictions adjacent to the project site and any other agencies or persons that requested a copy of the document. Please also refer to response to comment 9-33.

Regarding the Draft Marin Countywide Plan, CDC acknowledges and is aware that Marin County is currently proceeding with an update to their Countywide Plan. Consideration of the Draft 2004 Countywide Plan is not required by CEQA because it is not adopted. Please see response to comment 9-6, 9-9, and 9-22, in particular regarding CDC's consideration of adopted plans and the extra consideration provided to the draft, unadopted Countywide Plan (2004), including the San Quentin Vision Plan.

- 11-2** The comment states that the Draft EIR should consider alternative locations for the SQSP and urges CDC to comply with the March 2004 findings of the State Auditor.

Regarding consideration of alternative locations, the comment is not specific, so no further response can be provided. Please refer to Master Response 1.

Regarding the findings of the State Auditor, the California State Auditor at the Bureau of State Audits prepared an audit report, at the request of the Joint Legislative Audit Committee, of CDC's plans to build a new condemned inmate complex at SQSP (California State Auditor March 2004).

The State Auditor's report left it to the Legislature to make the final determination/recommendation of what further actions, if any, should be taken by CDC. At this time, the Legislature has neither directed CDC to undertake any further action or requested CDC to stop the authorized CIC project.

- 11-3** The comment states that CDC has not considered the costs of the project. The costs of the project are clearly described in Section 3.8 of the Draft EIR (page 3-19). Although the costs of the project are an important factor when considering approval of a project, the costs of the project or its alternatives are not relevant to the discussion of the project's environmental impacts, nor is evaluation of the economic impacts of a project required by CEQA (State CEQA Guidelines Section 15382). CDC as the lead agency will consider the project's environmental impacts along

with the entire project record before deciding whether to approve, approve with modifications, or deny the project as proposed. The Legislature has already considered the cost implications of the project, and approved \$220 million for its construction.

- 11-4** The comment states that the Draft EIR does not explore financial options that could support alternatives to the CIC and cost-effective replacement of the main prison. Please refer to responses to comment 11-2, 11-3, and Master Response 1. The referenced DGS report was completed in 2001, and estimated a range of values for SQSP based on potential land entitlements that would need to be approved by Marin County. Values, which would be potential revenue to the state if it were to dispose of SQSP, ranged from \$129 million to \$664 million. Using the same DGS report, construction and relocation costs were estimated to be at least \$756 million. Under the most ideal scenario for the State, the lowest net cost to relocate SQSP and build the CIC would be \$92 million. Using a midrange of entitlement and keeping CDC costs at the lowest estimate, the net cost to move SQSP with the CIC would be \$300 million (\$756 million – \$456 million, the midrange transit village value). Marin County is considering changing the general plan designation of the site through updates to the Countywide General Plan, but because this document is still a draft, refined economics are not any more precise than the 2001 DGS report. The Legislature and Governor had the DGS report information available to them at the time they enacted legislation authorizing expending \$220 million for the project. These are cost, not environmental/CEQA issues.
- 11-5** The comment summarizes comments previously made in the letter. With regard to environmental impacts, the Draft EIR evaluated and identified the project's impact in all resource areas, including impacts that could be experienced in the Town of Corte Madera (e.g., transportation). Because no specific environmental impacts were addressed in the comment, no further response can be provided. Please refer to response to comments 11-1 through 11-4.
- 11-6** The comment states that the staffing levels created by the project are not clear and asks specific questions regarding this issue. As described on page 3-19 (Section 3.7) of the Draft EIR, the CIC would require a maximum of 648 new staff if it were to operate at maximum capacity (i.e., the CIC housed 1,408 inmates). These 648 new employees would only serve the proposed CIC. Existing staffing levels at the main SQSP facilities would continue. Please see response to comment 9-30 concerning staffing at existing SQSP under maximum inmate capacity.
- 11-7** The comment requests additional information regarding proposed staffing at the CIC and existing staffing at SQSP. Table 1 provides a summary of population and staffing numbers described in the Draft EIR. Also, please see Section 1.5 of this document and Master Response 3.

Regarding the comment's request for information on the maximum capacity to house condemned inmates today, SQSP was originally designed to house 68 condemned inmates. The cells designed to house condemned inmates are located at the top of the North Segregation Unit. No other cells or facilities were specifically designed to house condemned inmates at SQSP. However, in addition to the 68 inmates in the North Segregation Unit, CDC is housing the remaining condemned inmate population (i.e., over 530 condemned inmates) in facilities not designed for the related security level, and has to respond to this inadequate situation by using a substantially higher staffing ratio than if inmates were at lower security level or if facilities were appropriately designed. Makeshift facilities are used to help supplement inadequate security. If the condemned inmate population continues to increase and because CDC is mandated to house condemned inmates at SQSP, it is likely that CDC will have to relocate existing general population inmates to other prison facilities within the statewide prison system, as described in Section 1.5.

Table 1 Existing and Proposed Population and Staffing Levels of SQSP					
	SQSP Main Facilities		Proposed CIC		Total SQSP with CIC
	Population	Staffing	Population	Staffing	
Current	~5,850 ¹	1,612	0	0	~5,850
Budgeted	~5,763	1,612	1,024 ²	576 ²	2,188 ²
Maximum, SQSP under current conditions	~5,950	1,709 ³	1,408	648	~7,358 ³
Maximum, with CIC and H-Unit conversion	5,150	1,550 ⁴	1,408	648	6,558
~ approximately ¹ Estimate at the time the Notice of Preparation was circulated ² The budgeted capacity has not been determined for the CIC. Number represents single-cell capacity at CIC. ³ Total maximum capacity accounting for the loss of 250 minimum security beds associated with the Ranch at SQSP. Does not include conversion of H-Unit. ⁴ Staffing numbers revised as reflected in Master Response 3.					

It is difficult to identify the total staff that are solely dedicated to the condemned inmate population because this staff shares duties for operation of the entire SQSP population. Although custody staff (i.e., correctional officers) is assigned to each of the housing units, administrative and ancillary staff is assigned to SQSP as a whole and are shared among the various inmate populations.

- 11-8** The comment states that the analysis omits important viewsheds from higher elevations including Chapman Hill and Christmas Tree Hill and requests additional analysis of the visual impacts to Corte Madera hillside residents. Please refer to Master Response 2 for a discussion of visual impacts from hillside areas in Corte Madera. The visual impact from the hillside areas of Corte Madera was determined to be less than significant and mitigation related to these views would not be required.
- 11-9** The comment states that the Draft EIR's conclusion that the project site has no visually significant scenic resources is incorrect and not supported by data and analysis. The comment asserts that removal of Dairy Hill would damage a scenic resource and scenic vista. CDC disagrees.

Scenic vistas are generally very broad viewscapes that afford views of large areas. A scenic vista is generally considered a view of an area that has remarkable scenery or a resource that is indigenous to the area. SQSP is located at the southeastern edge of a large, peninsular extension of the western shoreline of San Francisco Bay. This area is generally characterized by developed shorelines areas and relatively undeveloped hillside and ridgeline areas. As can be seen in Exhibit 4.1-2a, SQSP is only one feature of the entire viewshed. Although somewhat visible in the center of the photograph, Dairy Hill is a subordinate feature of the viewshed, and its removal from the site would not substantially change or otherwise alter views of shoreline or ridgeline areas, as shown in simulated views of the project (Exhibits 4.1-2b and 4.1-2c of the Draft EIR). Furthermore, Dairy Hill is not identified as a significant scenic resource by Marin County. Therefore, Dairy Hill would not be considered a significant scenic resource, and its removal would not result in a significant impact.

Although removal of Dairy Hill would open views of the project site from some viewpoints, its removal would not change the focal point of the viewshed and would not substantially alter the viewshed from Corte Madera. The environmental effects of removal of Dairy Hill (e.g., views, air

quality, geologic hazards) were evaluated throughout the Draft EIR in compliance with CEQA. No additional analysis is required.

- 11-10** The comment disagrees with the conclusion that the single-level design option would not substantially affect daytime views from the Corte Madera viewpoint. The comment argues that removal of Dairy Hill would change views of shoreline areas. With regard to the significance of removal of Dairy Hill, please refer to response to comment 11-9. The comment is correct that views of shoreline areas of the project site would change and would appear to extend developed areas of SQSP to the west. However, the comment's assertion that the project would result in a "completely developed" shoreline is incorrect. As can be seen in Exhibit 4.1-2b, substantial areas to the west (left) of SQSP appear to remain relatively undeveloped. The significance of a project's view impacts relates to how the project would exceed established thresholds. With regards to daytime views from Corte Madera, the following threshold applies to the project as identified on page 4.1-7 of the Draft EIR:

"The project would result in a significant visual impact if it would substantially degrade the existing visual character or quality of the site and its surroundings." emphasis added

The impact analysis for the Corte Madera viewshed under the single-level design option (page 4.1-9 of the Draft EIR), states that the project would not result in a substantial change in the daytime viewshed because the proposed buildings would be of similar size as adjacent existing prison facilities, they would not interfere with the San Quentin ridgeline, would not block views of undeveloped areas north of the site, would not alter existing architectural features of the SQSP, and would not alter the form or quality of the viewshed. Please also refer to Master Response 2. The visual change associated with the project from this viewshed is simulated in the Draft EIR. Based on the simulation, the comment may disagree with the conclusions in the Draft EIR, but disagreement on a conclusion is not a reason, by itself, to change the EIR conclusion. No data or analysis was provided in the comment to support an alternative conclusion for the EIR; therefore, no further response can be provided.

- 11-11** The comment states that the Draft EIR's less-than-significant conclusion for nighttime light and glare impacts for the single-level design option are based on illogical assumptions and faulty visual simulations.

The comment suggests that lighting on the site would be the same as existing SQSP lighting, and that the simulations are flawed because they do not show lighting that reflects on the atmosphere.

The design of the lighting system would be different from existing lighting at SQSP. As described on page 3-17, lighting would include 60-foot-high mast lights with cut-off glare shields. Additional lighting, as described on page 4.1-9 of the Draft EIR, would include 30-foot-tall lights along the perimeter, also with cut-off glare shields (these lights are similar to standard street lights in intensity). The description of lighting on page 4.1-9 mischaracterizes lighting at existing SQSP by stating that the lighting would be similar. Although it is true that some of the lighting at SQSP is similar to proposed lighting, existing lighting includes 100-foot-high mast lights, some with and some without glare shields, additional 65-foot-high poles in the inmate yards, and 45-foot-high perimeter lights, again some with and some without glare shields. The glare from the project lighting would be less than existing lighting because of the use of glare shields and because the lights would not be as high.

As seen in the photograph on Exhibit 4.1-3a, some of the lighting casts off glare (the "star" effect shown in the photograph), some do not. The atmospheric lighting occurs over some parts of the site, where there are low clouds to reflect on, and not on other parts where there are no low clouds

above. The simulated lighting shown in Exhibits 4.1-3b and 4.1-3c depicts lighting of a similar intensity as other lighting across the site, but it does not depict the star effect because the glare shields would cut the starring out of the view, much like shown in the existing lighting across the center of the site. As to up-lighting, this would not be expected because the glare shields focus the lighting down. (Additionally, even if no glare shields were used for project lighting, up-lighting would not appear in a simulation like this because there are no clouds above the site to capture the reflection, much like there is no up-lighting shown on other areas of the site where there are no glare shields in use.)

The simulated lighting is believed to be an accurate depiction of how the project site would appear after project construction.

- 11-12** The comment states that the visual simulation presented in Exhibit 4.1-3b is not credible because there is no light reflection in the atmosphere above the project area or against the ridgeline north of the project area. Please see response to comment 11-11.

With regard to the credibility of the visual simulations, the proposed lighting fixtures were modeled using IES photometric web data of specified lamp types obtained from manufacturers of the lighting fixtures (please refer to Appendix B of the Draft EIR) and were modeled according to standard visual simulation modeling procedures.

- 11-13** The comment appears to argue that the conclusions made in Impact 4.1-f (significant view impacts under the stacked design option from Corte Madera viewshed) disprove the conclusions presented in Impact 4.1-b (less-than-significant view impact under the single-level design option from the Corte Madera viewshed). The comment is comparing analyses for two different visual conditions (single-level and stacked). The single-level and stacked design options would result in two distinctly different visual condition, the impacts of which were assessed independently. The individual visual features of each design option were evaluated in relation to the visual setting to determine significance. The stacked design option is more visually prominent from some viewpoints, the single-level design from others. The Draft EIR describes these situations and renders conclusions based on these individual conditions. Please refer to Impacts 4.1-b and 4.1-f for a discussion of why the single-level and stacked design options would result in less-than-significant and significant view impacts, respectively.
- 11-14** The comment states that the conclusion that the stacked design option would result in less-than-significant impacts is incorrect and references Impact 4.1-o. Impact 4.1-o addresses nighttime lighting impacts associated with the single-level design option from the Sir Francis Drake Boulevard (north) viewpoint. No reference to the stacked design option is made in this impact. Furthermore, the impact concluded that nighttime lighting impacts would be significant from this viewpoint. Please also see response to comments 11-11 and 11-12.
- 11-15** The comment states that the analysis under Impact 4.5-c is inadequate because it does not provide sufficient information to determine whether the single-level design option would result in significant impacts to historic resources. CDC disagrees. Impact 4.5-c concluded that the project would result in a significant impact if the 57 staff residences removed from the site (under the single-level design option only) were determined by the State of California, Office of Historic Preservation (OHP) to be historic resources. The responsibility of the Office of Historic preservation is to identify, evaluate, and register historic properties. <http://ohp.parks.ca.gov/?page_id=1066>

CDC has been consulting with OHP regarding the significance of impacts to the staff residences. Please refer to response to comment 9-34 for a summary of the consultation process. OHP is the

agency charged with determining whether resources at the project site would be considered significant historic resources. The Draft EIR's identification of the resources as significant and the inclusion of mitigation is appropriate and consistent with OHP guidelines. Furthermore, the information provided in the Draft EIR, in combination with the information provided in response to comment 9-34, provides agency decision makers with sufficient information to make an informed decision on the project.

- 11-16** The comment states that the Draft EIR did not provide an analysis of the construction-related noise impacts (e.g., pile driving, and blasting) on Corte Madera. CDC disagrees. The project's construction-related noise impacts, including blasting and vibration, were evaluated in Impacts 4.9-a through 4.9-c of the Draft EIR. The noise analysis evaluates the potential noise that would be generated by a project on an intermittent and long-term basis, considering factors such as level of noise generated by various activities, distance from source to receptor, and attenuation properties of the individual noise source. The purpose of the noise analysis is not to describe what noise conditions would be like in every conceivable area surrounding the project site; rather it is to describe the magnitude by which the project would change the ambient noise environment over short- and long-term periods measured against adopted noise thresholds. Therefore, if the project's construction-related noise sources would exceed an adopted threshold, the project would result in a significant noise impact.

In the case of general construction noise (i.e., noise not associated with blasting or pile driving), the Draft EIR determined that receptors within 3,000 feet of the project site could experience maximum instantaneous noise levels that exceed established thresholds for brief periods. Homes in the Town of Corte Madera are located over 4,000 feet from the project site at their closest location, and ambient noise levels from the project site would not be substantial in this area.

Regarding blasting noise impacts associated with blasting and pile-driving activities, the Draft EIR stated that blasting noise levels could exceed noise level criteria a 129 dB, and 105 dBC at distance of approximately 300 feet for brief periods of time. Blasting activity includes noise from rock drills, which generate approximately 90 dBA at a distance of 50 feet, and noise generated by blasting shots. With implementation of Mitigation Measure 4.9-b, which is based on criteria developed by the U.S. Bureau of Mines, maximum peak linear noise levels generated by blasting shots would not be allowed to exceed 129 dB peak and 105 dBC at distances of approximately 300 feet. Noise levels measured in C-weighted decibels (dBC) include lower frequencies of sound that attenuate at a slower rate than higher sound frequencies and could result in vibration over longer distances. This mitigation measure was recommended to protect residents nearest the project site (i.e., 57 on-site housing units), which are located only 300 feet from the project site. Therefore, the Town of Corte Madera, which is located greater than 4,000 feet from the project site, would be similarly protected by this mitigation.

Regarding vibration impacts associated with pile-driving activities, the Draft EIR describes pile driving vibration levels that are usually a concern when sustained pile driving occurs within 25 feet of any building and within 50–100 feet of a historical building, or a building in poor condition (Caltrans 2002). Implementation of Mitigation Measure 4.9-c, which is also based on vibration criteria established by Caltrans and U.S. Bureau of Mines, requires pile-driving specifications to be adjusted to minimize potential damage to on-site residences, and would reduce vibrational impacts to a less-than-significant level. The on-site structures for which the mitigation measure is designed to protect are older and thus would be more susceptible to damage from nearby blasting. In addition, the structures are adjacent to where vibration activity would occur. These factors represent a worst-case situation. Because structures in the Town of Corte Madera are considerably more distant and in most cases built to more modern standards, the project (with mitigation) would result in less-than-significant vibration impacts in this area.

- 11-17** The comment states that the project would result in 972 permanent and secondary employment opportunities and asserts the Draft EIR's conclusion that a pool of employees is available to meet this demand is speculative because of the specialized training required for correctional officer positions. The comment has misinterpreted the conclusions of the Draft EIR. To restate those conclusions, the project would result in the creation of approximately 648 prison-related jobs, and 324 secondary positions. These positions would be located within a region with a large labor pool (see pages 4.10-1 through 4.10-3 of the Draft EIR), which is anticipated to adequately meet the project's proposed employment needs without resulting in substantial in-migration to the region. The Draft EIR acknowledges that while some in-migration of employees to the region would occur, it would not be substantial in relation to available labor pool. No new evidence is provided in this or in other comments that suggest that the information relied on in the Draft EIR is incorrect. Thus, in the context of CEQA, the project would not result in significant adverse employment impacts. Please also see response to comment 9-26.
- 11-18** The comment states that the conclusion under Impact 4.10-b is not supported by facts or analysis in the Draft EIR. The comment also states that population growth associated with the project could not be absorbed by Marin County. Please see responses to comments 11-17, 9-26, and 9-50. If employees could afford to live in Marin County, they would reside in available housing as well as elsewhere in the region. It is not credible, and no information has been provided to suggest otherwise, that a project generating a relatively small amount of moderate income employees would spur new housing development in the region.
- 11-19** The comment states that the analysis under Impact 4.10-c underestimates the increased housing demand in Marin County and does not acknowledge the demand created by the 324 secondary positions as a result of the project. The comment incorrectly presumes that housing lost on-site (i.e., 57 staff residences) and housing for secondary positions created as a result of the project would be located within Marin County, and also asserts that the County would be obligated to provide housing, which it is not. In fact, Impact 4.10-d states that because of the high cost of local housing, existing employees housed on-site would likely be precluded from relocating within Marin County. Although Marin County is estimated to receive 14% of new employees associated with the project (and 14% associated with secondary positions), the Draft EIR acknowledges that this is likely to be an overestimate, given the very high cost of local housing and the relatively moderate salaries of correctional officers and other employees (page 4.10-7 of the Draft EIR). The Draft EIR concludes that because no single county would receive a substantial number of new residents, and because the region offers a large housing base, the project would not substantially decrease the available housing stock in surrounding counties and would not result, in and of itself, in the construction of new housing in the study area. Please see response to comment 11-18.
- 11-20** The comment states removal of the 57 on-site residences will tax the already overstrained affordable housing stock and the Draft EIR does not accurately assess the project's impact on local housing. The EIR acknowledges that up to 57 houses could be removed by the project under the single-level design option, but does not conclude this to be a substantial number of housing units, given the regional context, and does not therefore conclude this to be a significant loss in housing. Furthermore, the increased demand for affordable houses, if caused by the project, is an important social and economic issue, but this is not an environmental impact. Please see pages 4.10-7 and 4.10-8 of the Draft EIR. In the context of CEQA, the project would not result in significant adverse impacts to housing.



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November 9, 2004

Cher Daniels, Supervising Environmental Planner
Department of Corrections
P.O. Box 942883, Sacramento, CA 94283-0001

Re: DEIR Comments re Condemned Inmate Complex (CIC) at San Quentin

Dear Ms. Daniels:

The Sierra Club wishes to submit the following comments in regard to the Draft EIR for the Proposed Condemned Inmate Complex at San Quentin Prison:

- 1) Traffic impacts during and post-construction to both the region and at the site have not been adequately addressed or mitigated.
- 2) Impacts from light pollution, which could disrupt both migration routes and mating behaviors of certain species have not been adequately addressed or mitigated.
- 3) Impacts of the electrified fence on birds (Section 4.3-c) have not been adequately addressed or mitigated.
- 4) Impacts from filling of a .2-acre ditch (Section 4.3-d) have not been adequately addressed or mitigated.
- 5) Impacts from the additional MMWD water use (Section 4.11-g, h) have not been adequately addressed or mitigated. The Proposed CIC project may be the trigger for a significant MMWD project required to supply it with water. Consequently, it is inappropriate for CDC to consider as adequate mitigation the mere payment of a "fair share" calculated as "one of many users of MMWD water." CDC should consider operation of its own de-sal plant and removing itself from the MMWD system.
- 6) The SQSP project should save existing and provide additional affordable homes for prison employees.

Sincerely,

Gordon Bennett Vice-Chair

Letter 12

Sierra Club Marin Group
Gordon Bennett
November 9, 2004

- 12-1** The comment states that the construction-related traffic impacts have not been adequately addressed. The comment does not provide rationale as to why the transportation analysis presented in the Draft EIR is inadequate, so no further response can be provided.
- 12-2** The comment states that impacts from light pollution on the migration routes and mating behaviors of certain species have not been adequately addressed in the Draft EIR. The comment does not provide rationale as to why the biological analysis presented in the Draft EIR is inadequate, so no further response can be provided. However, please also see response to comment 9-42.
- 12-3** The comment states that impacts of the electrified fence on birds have not been adequately addressed in the Draft EIR. The comment does not provide rationale as to why the biological analysis presented in the Draft EIR is inadequate, so no further response can be provided. However, please also see response to comment 9-43.
- 12-4** The comment states that impacts from filling a 0.2-acre ditch have not been adequately addressed in the Draft EIR. The comment does not provide rationale as to why the biological analysis including the discussion of the wetland delineation presented in the Draft EIR is inadequate, so no further response can be provided. Please refer to Section 1.6 for a discussion of agency coordination and permitting efforts for the project.
- 12-5** The comment states that the Draft EIR did not adequately address the project's water supply impacts. The comment does not provide rationale as to why the water supply analysis presented in the Draft EIR is inadequate, so no further response can be provided. Please see response to comment 8-1 for an updated analysis.
- The comment also states that CDC should consider operation of its own desalination water plant and remove itself from the Marin Municipal Water District system. This comment is acknowledged, but CDC has no plans to construct its own water system. No further response is necessary as no issues related to the environmental impacts of the project were raised. Please see response to comment 9-37.
- 12-6** The comment states that the project should save existing housing on-site and provide additional affordable homes for prison employees. This comment is acknowledged. No further response is necessary as no issues related to the environmental impacts of the project were raised.



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CEQA Compliance

Marin Audubon Society *Box 599* *Mill Valley, California 94942-0599*

November 9, 2004

California Department of Corrections
Facilities Management Division
P.O. Box 942883
Sacramento, CA 94283-00001

RE: Comments on DEIR for the Condemned Inmate Complex

Att: Cher Daniels

Dear Sir/Madames:

The Marin Audubon Society appreciates your consideration of our comments on the Draft DEIR for the San Quentin Expansion. Our comments focus on potential biological impacts:

Our concerns about Biological impacts cover three areas:

1. Tree loss: While most of the trees that would be lost may be non-natives, some native oaks would be removed or be otherwise impacted to construct the pipeline, and perhaps other features of the project. The discussion on page 4.3.3 is unclear about the number and species. Coast Live Oak and Bay Laurel are mentioned. Coast Redwood are erroneously described as an ornamental. They are actually native to the Larkspur area where the project would be built.

The Final EIR should specify the number of native trees and state the specific species, that would be lost. The loss of native oaks and other native trees should be considered to be a significant impact, particularly because of the significant impact phytophthora has had on oaks and other native trees.

Mitigation for the loss of these species should be ensured by replacement of native oaks and other native trees in at least a 3:1 ratio. The replacement native trees should be of the same specie and should be planted in the vicinity. We suggest the hills across East Sir Francis Drake Blvd as a potential location for the planting.

The EIR should also note that Marin County has a Tree Protection Ordinance and address compliance with provisions of this ordinance.

2. Impacts of electric fencing - San Quentin Prison is on the Pacific Flyway. Passerine species would be accustomed to traveling through the area and would be subject to mortality from the electric fencing. The project would have a significant impact on wildlife

A Chapter of National Audubon Society

moving through the site on migration north and south, and while moving within the San Francisco Bay Area. In particular, the cumulative impact would be significant.

Because surveys are only required to be performed three times per year, the estimate for the number of wildlife killed by electric fencing must be considered a significant underestimate. In between time the mortality occurred and the surveys, carcasses would decompose or be eaten by predators.

We suggest the following mitigations:

Tier 1: We agree that the area should be made less hospitable to wildlife.

Tier 2: Exclusionary mesh-netting should be installed up the entire fence, not just on the lower section as suggested. . Why it would be restricted to the lower levels, as stated on page 4.3-14, is unclear. This might be fine for ground swelling birds but not for others. How close would the closest habitat be and where would it located.

Tier 3: To compensate for the habitat that would be lost, habitat should be replaced in the vicinity. Again, we suggest the hills north of San Quentin Prison. Additional land could be purchased from adjacent property owners, if needed. Potential mitigation site and plan should be discussed in the EIR so the public can be informed and provide comments.

3. Loss of drainage - One area of above ground drainage would be undergrounded. To mitigate for this loss, a similar section of undergrounder drainage should be daylighted in the vicinity of the project loss. We strongly disagree with the mitigation explanation on page 4.3-14. The proposed mitigation should be addressed in the EIR, not put off to be determined at some undefined future time out of the public process.

Thank you for considering our recommendations.

Sincerely,



Barbara Salzman
Conservation

Letter 13

Marin Audubon Society

Barbara Salzman

November 9, 2004

- 13-1** The comment states that the description of the species and number of trees that would be removed from the site is unclear and that the Draft EIR should mitigate for the loss of native oak trees at a 3:1 ratio. As described on page 4.3-10 of the Draft EIR, under either design option (single-level or stacked), the project could result in the removal of one native oak tree associated with construction of the proposed water line. DFG has recommended a replacement ratio of 1:1 (see comment 3-2); one replacement tree will be planted within SQSP at a sufficient distance from the proposed electrified fence as determined by a qualified biologist. Several other planted ornamental or landscape tree species would be removed under the single-level design option; however, these trees are either nonnative species or associated with ornamental landscaping with the on-site residences and would not be considered significant biological resources. Therefore, these trees would not require replacement on-site.

CDC acknowledges that Marin County has an adopted Tree Protection Ordinance. However, as a state agency CDC is a superior agency and by law is not bound by local general plans, policies, or ordinances. The ordinance applies to “protected trees,” defined as any one of the following:

1. Trees on an Unimproved Parcel. Any individual native tree with a Diameter at Breast Height (DBH) as specified in the list “Trees Native to Marin County” maintained and provided by the Community Development Agency, which is located on an unimproved parcel is a protected tree.
2. Trees on an Improved Parcel. More than a total of five trees of any native species, each of which having a DBH as specified in the list “Trees Native to Marin County,” maintained and provided by the Community Development Agency, where the removal of the trees occurs within any twelve month period on an improved parcel” (Title 22, Marin County Code).

The parcel upon which the project would be located includes a number of improvements, so the project would not be subject to the ordinance, even if the State were not exempt. More importantly, however, is that CDC has committed to replace the oak tree that would be lost by the project.

- 13-2** The comment states that the estimate for the number of wildlife that would be killed by the proposed electrified fence is underestimated because monitoring surveys would only be performed three times per year. The comment also provides specific suggestions for Mitigation Measure 4.3-c of the Draft EIR.

The Draft EIR (page 4.3-12) acknowledges that operation of the proposed electrified fence would result in lethal electrocution of an undetermined number of animals, most of which would be birds. This impact was determined to be significant for the project and under cumulative conditions. A list of species considered at risk of electrocution is included in Appendix D of the Draft EIR.

Regarding the Statewide electrified fence monitoring program described on page 4.3-9 of the Draft EIR, although biologists visit institutions with electrified fences only three times a year, the

program requires that all electrocuted animals be collected by correctional officers immediately after a strike and stored in a freezer until their identification is verified by a qualified biologist during one of the field visits to the institution.

The mitigation proposed in the Draft EIR to mitigate the project's electrified fence impacts (Mitigation Measure 4.3-c) would reduce the electrified fence impacts to a less-than-significant level. Regarding the comment's question of why proposed netting would only envelope the lower wires of the fence, CDC has determined that netting over the entire fence would pose an unacceptable security risk.

CDC developed the netting program through a several-year process, as part of its HCP development, and it involved finding the ideal combination of fence exclusionary devices that would not compromise safety. USFWS and DFG were extensively involved, and remain so, in the design, operation, and acceptability of the netting.

- 13-3** Regarding mitigation sites, the comment is acknowledged. CDC will work with USFWS and DFG, if required, to identify sites, including the potential for the site identified in the comment.
- 13-4** The comment provides suggestions for mitigating the project's impacts to an on-site ditch. This comment is acknowledged. CDC has submitted a wetland delineation to the U.S. Army Corps of Engineers (USACE) for verification and is coordinating with their local representative to determine the permit and mitigation requirements for fill of the ditch. Because the ditch would be under the jurisdiction of USACE, final mitigation plans would be subject to its review and approval. A mitigation plan will be prepared that quantifies the total jurisdictional acreage lost, describes approved replacement ratios for acres filled, identifies mitigation sites, and describes monitoring and maintenance requirements. CDC is following standard protocol for the fill of jurisdictional wetlands. Mitigation recommended in the Draft EIR appropriately describes the types of mitigation options that would be implemented. Final determination of mitigation for the site is subject to USACE approval. Please refer to Section 1.6 for a discussion of consultations with USACE.